

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION VIII

IN THE MATTER OF:

Emulsified Asphalt, Inc. of Wyoming,

Respondent.

AMENDMENT AND TERMINATION
OF ADMINISTRATIVE ORDER ON
CONSENT

Proceeding Under Sections 308 and 309 of
the Clean Water Act, 33 U.S.C. §§1318 and
1319.

Docket No. CWA-8-99-02

TERMINATION OF ADMINISTRATIVE ORDER ON CONSENT

On June 27, 2000, the United States District Court for the District of Wyoming entered a Consent Decree between the United States of America and Fisher Sand & Gravel Co. and Emulsified Asphalt, Inc. of Wyoming (Civil Action No. 98-CV-276D). A copy of this Consent Decree is appended hereto as Exhibit 1. Pursuant to Paragraph 17 of this Decree, Defendant Emulsified agreed to perform the October 16, 1998 Deer Creek Final Restoration Plan, which had been originally required by and incorporated as part of this Administrative Order on Consent. Since the work required by this Order is now being performed in accordance with and is an enforceable part of the judicial Consent Decree, this Order is now being superceded and terminated as moot.

This Amendment shall be effective, and this Order shall terminate, immediately upon the signature of the Assistant Regional Administrator for the Office of Enforcement, Compliance Assistance and Environmental Justice, EPA Region 8.

IT IS SO ORDERED:

BY: **Sharon L. Kercher for/**
CAROL RUSHIN
Assistant Regional Administrator
Office of Enforcement, Compliance
Assistance and Environmental Justice
Region 8
U.S. Environmental Protection Agency

DATE: **July 16, 2003**

**IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT THE
REGIONAL HEARING CLERK.**

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON JULY 22, 2003.